

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL**

Pollution Control

Part 560 Pollution at FWS Facilities

Chapter 1 Policy and Responsibilities – Environmental Compliance

560 FW 1

1.1 What is the purpose of this chapter? This chapter provides guidance for complying with environmental laws and regulations at Service facilities.

1.2 What is the objective of this program? Our objective is to comply with all applicable environmental laws and regulations when performing our activities and when designing, constructing, managing, operating, and maintaining our facilities. In addition, it is our policy to implement sustainable management practices that move beyond full compliance with environmental laws and regulations and set an example in environmental leadership.

1.3 What is the scope of this chapter?

A. This chapter applies to all Service-owned or operated facilities, including residences. Service facilities are buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by or constructed or manufactured and leased to, the Service. This includes refuges, hatcheries, and other field stations, as well as any place the Service occupies space.

B. All new and renewed agreements with concessionaires' and cooperators' operations on Service lands should require compliance with the policies in this chapter.

1.4 What are the authorities for this chapter?

A. Executive Order 12088, Federal Compliance with Pollution Control Standards, October 13, 1978, as amended.

B. Executive Order 13148, Greening the Government Through Leadership in Environmental Management, April 21, 2000.

C. Executive Order 13101, Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition, September 14, 1998.

D. Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*).

E. Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 *et seq.*).

F. Emergency Planning and Community Right-to-Know Act (42 U.S.C. 11001 *et seq.*).

G. Federal Facility Compliance Act (Pub. L. 102-386).

H. Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*).

I. Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*).

J. Hazardous Materials Transportation Act, as amended (49 U.S.C. 5101 *et seq.*).

K. Noise Control Act of 1972 (42 U.S.C. 4901 *et seq.*).

L. Pollution Prevention Act (42 U.S.C. 13101 *et seq.*).

M. Public Health Service Act, as amended by the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*).

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL**

Pollution Control

Part 560 Pollution at FWS Facilities

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560 FW 1

N. Radiation guidance pursuant to Section 274(h) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021).

O. Solid Waste Disposal Act, as amended (42 U.S.C. 6901 *et seq.*).

P. Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*).

1.5 Who is responsible for environmental compliance?

A. The **Director** ensures that we take all necessary measures to comply fully with all environmental laws and regulations.

B. Assistant Directors and Regional Directors and the California/Nevada Operations Office (CNO) Manager are responsible for ensuring that we take all necessary actions to prevent, control, and abate environmental pollution with respect to Service facilities and activities within their control.

C. Assistant Director - Business Management and Operations (ABMO) is responsible for providing:

(1) Staff assistance to the Director to oversee our compliance with applicable environmental laws and regulations.

(2) Technical guidance to Regional Directors and the CNO Manager to help them meet their responsibilities.

D. Chief, Division of Engineering is responsible for:

(1) Developing policy and providing technical assistance and regulatory guidance to Regions/CNO and field offices.

(2) Managing our national environmental audit and compliance efforts, including tracking abatement and cleanup activities at facilities out of compliance, and assisting the Regions/CNO with the national compliance auditing program and audit follow-up findings. (See [560 FW 7](#)).

(3) Developing, coordinating, and providing appropriate environmental training.

(4) Managing and maintaining a consolidated list of all our cleanup projects (see [561 FW 10](#) and [560 FW 4](#)).

(5) Managing and maintaining our inventory of sites on the Federal Agency Hazardous Waste Compliance Docket (see [560 FW 5](#)).

(6) Providing management and oversight of our Environmental Cleanup Liability (ECL) database.

(7) Representing the Service on the Department's Central Hazardous Material Fund Technical Review Committee (see [561 FW 10](#)).

(8) Providing management and oversight of our Spill Prevention, Control, and Countermeasures (SPCC) program.

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL**

Pollution Control

Part 560 Pollution at FWS Facilities

Chapter 1 Policy and Responsibilities – Environmental Compliance

560 FW 1

(9) Providing management and oversight of our lead-based paint program.

(10) Providing management and oversight of our Environmental Management System, including performing quality control reviews of systems developed for Regional/CNO and field station offices.

(11) Coordinating and consolidating reports and inventories required by the Department of the Interior, the Environmental Protection Agency (EPA), and the Office of Management and Budget, and acting as the Service's principal point of contact with these agencies for environmental compliance matters.

E. Chief, Division of Safety and Health is responsible for overseeing and providing Servicewide technical guidance and assistance for compliance with the Occupational Safety and Health Act, as amended, and its implementing regulations and related Departmental policies (see [242 FW 1](#)).

F. Chief, Division of Environmental Quality is responsible for overseeing and providing Servicewide technical guidance and assistance for compliance with the Federal Insecticide, Fungicide, and Rodenticide Act and its implementing regulations and related Departmental policies.

G. Facility Managers/Project Leaders are responsible for:

(1) Complying with all applicable environmental laws and regulations governing facilities and activities under their supervision.

(2) Correcting environmental compliance audit findings in a timely manner (see [560 FW 7](#)).

(3) Providing employees who are involved with toxic and hazardous waste the proper training in the methods of handling and disposal of toxic and hazardous waste.

(4) Requesting sufficient funds in their budgets for compliance with these standards.

1.6 How does the Service implement the policy in this chapter?

A. Pollution Prevention. Where practicable, we adopt or change our practices to prevent or minimize pollution by eliminating the use of materials that produce hazardous waste or have an adverse effect on the environment (see [560 FW 2](#)).

B. Pollution Incidents and Discoveries. We immediately report to the proper authorities any incidents that result in discharges of oil or releases of hazardous substances and any discoveries of hazardous substance disposal sites at our facilities (see [560 FW 3](#)).

C. Inventories and Audits. We inventory and conduct regular audits of our facilities to assure compliance with applicable environmental laws and regulations (see [560 FW 4](#)).

D. Noncompliance. When we determine or are notified that we are in violation of an applicable environmental law or regulation, we promptly consult with the appropriate regulatory agency and provide a plan to achieve and maintain compliance with that standard for its approval.

E. Funding. We request sufficient funds in our budget for compliance with applicable environmental laws and regulations. We do not use any funds appropriated and apportioned for the prevention, control, and abatement of environmental pollution for any other purpose unless permitted by law.

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POLLUTION CONTROL

FISH AND WILDLIFE SERVICE
POLLUTION CONTROL

Pollution Control

Part 560 Pollution at FWS Facilities

Chapter 1 Policy and Responsibilities – Environmental Compliance

560 FW 1

F. Exemption. The Secretary of the Interior must recommend, through the Director, Office of Management and Budget, to the President, any exemption from compliance with an applicable pollution control standard which is allowed by statute.

G. Extra-Territoriality. All Service facilities constructed or operated outside the United States, at a minimum, must comply with the environmental laws and regulations of general applicability in the host country or jurisdiction. For those Service facilities located in U.S. territories or possessions not included in the 50 states, we should follow the environmental law and regulations of the United States as though they applied.

H. Records. Each environmental law and regulation has its own specified minimum records retention time. However, good management practice dictates that we keep all environmental audits, notices of violation, and resulting pollution control, abatement, or corrective action plans and completion reports at the facility indefinitely. Field managers send copies of these documents to the Regional/CNO and Washington offices.

1.7 How is this program coordinated with other agencies? We:

A. Cooperate with the EPA, State, interstate, and local agencies to prevent, control, and abate environmental pollution, including any regulatory inspections or compliance monitoring.

B. Consult with the EPA and other regulatory agencies about the best techniques and methods available to prevent, control, and abate pollution.


DIRECTOR

Date: February 22, 2006